

Consolidated Transporters



Senate Bill 271

It is DTSC's mission to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



Introduction

The Department of Toxic Substances Control (DTSC) has developed this fact sheet to provide hazardous waste transporters with information regarding changes made by Senate Bill 271 (SB 271), which replaces milkrun operations and modified manifesting with consolidated manifesting. The provisions of SB 271 take effect January 1, 2002.

SB 271 merges existing modified manifesting statutes [Health and Safety Code (HSC), Section 25250.8] and milkrun regulations [Title 22, California Code of Regulations (22 CCR), Section 66263.42] into a new section of the Hazardous Waste Control Law (HSC, Section 25160.2), and renames the procedure "consolidated manifesting".

Consolidated manifesting, formerly known as modified manifesting or milkrunning, allows certain registered hazardous waste transporters to combine specified wastes from multiple eligible generators on a single manifest, rather than using a separate manifest from each generator. To use those procedures, the transporter must notify DTSC and limit consolidation to the hazardous wastes specified in HSC, Section 25160.2(c). The generators using the consolidated manifesting procedure are exempt from filling out a hazardous waste manifest. The consolidated transporter completes both the generator and the transporter section of the manifest. Consolidated manifesting does not authorize a hazardous waste transporter to commingle different types of hazardous wastes into the same tank or container.

SB 271 requires all generators participating in this procedure to obtain identification numbers regardless of their size, except for generators of less than 100 kilograms (kgs) per month of "silver-only" hazardous wastes. Beginning October 31, 2002, transporters using consolidated manifesting are required to report detailed information from each receipt on a quarterly basis to DTSC.

Disclaimer

This fact sheet provides general information about the statutes and regulations governing consolidated manifesting. The actual statutes and regulations should be consulted before making any decisions that may impact statutory and regulatory compliance.

Definitions

"Consolidated manifest" means a hazardous waste manifest used by a milkrun or consolidated transporter to combine hazardous wastes shipments from multiple generators on one consolidated manifest pursuant to the procedures in HSC, Section 25160.2. (HSC, Section 25110.9.3)

"Consolidated transporter" means a hazardous waste transporter registered pursuant to HSC, Section 25165, and the regulations adopted by the department who has notified the department pursuant to HSC, Section 25165, of its intent to use the consolidated manifesting procedures set forth in HSC, Section 25160.2. (HSC, Section 25110.10.1)

"Generator" means any person, by site, whose act or process produces hazardous wastes or whose act first causes a hazardous waste to become subject to regulation. (22 CCR, Section 66260.10)

"Identification number" means the number applied for and assigned to all handlers of hazardous wastes. (22 CCR, Section 66260.10)

"Resource Conservation and Recovery Act (RCRA)" is the federal statute that regulates generators, transporters, and facilities that treat, store or dispose of hazardous waste. All RCRA hazardous wastes are identified in Part 261 of Title 40 of the Code of Federal Regulations (40 CFR) and its appendices, and 22 CCR, Section 66261.1, et seq.

"Non-RCRA hazardous wastes" are hazardous wastes regulated in the State of California, other than RCRA (federally regulated) hazardous wastes. A hazardous waste is presumed to be RCRA hazardous waste, unless it is determined pursuant to 22 CCR, Section 66261.101 that it is a non-RCRA hazardous waste.

"Silver-only" hazardous wastes are wastes that are hazardous solely due to the presence of silver. (HSC, Section 25143.13)

Requirements

Requirements described in this fact sheet only apply to consolidated transporters. For complete hazardous waste transporter requirements, please refer to the fact sheet entitled Hazardous Waste Transporter Requirements.

• Consolidated Transporter Eligibility

A transporter who has notified DTSC using the Consolidated Transporter Notification Form (DTSC Form 1299) of his or her intent to operate under the consolidated manifesting procedure must keep a copy of the DTSC-signed acknowledgment form as a supplement to the

registration certificate and carry a copy of it in each vehicle.

• Eligible Wastestreams

The consolidated manifesting procedure may be used only for the following wastestreams listed in HSC, Section 25160.2(c):

Note: Letters in parentheses reflect the codes for each wastestream identified in the Consolidated Transporter Notification Form (DTSC Form 1299).

- Used oil (A);
- Contents of an oil/water separator (B);
- Solids contaminated with used oil (C);
- Brake fluid (D);
- Antifreeze (E);
- Antifreeze sludge (F);
- Parts cleaning solvents, including aqueous cleaning solvents (G);
- Hydroxide sludge contaminated solely with metals from a wastewater treatment process (H);
- Paint-related wastes, including paints, thinners, filters and sludge (I);
- Spent photographic solution (J);
- Dry cleaning solvents including perchloroethylene, naphtha, and silicone-based solvents (K);
- Filters, lint and sludge contaminated with dry cleaning solvent (L);
- Asbestos and asbestos-containing materials (M);
- Inks from the printing industry (N);
- Chemicals and laboratory packs collected from K-12 schools (O);
- Absorbents contaminated with wastes on this list (P); and
- Filters from dispensing pumps for diesel and gasoline fuels (Q).

• Consolidated Manifesting Procedures

Customer Eligibility. Consolidated transporters must not accept any of the wastes specified in HSC, Section 25160.2(c) unless the generator has met all of the eligibility requirements to use consolidated manifesting. For complete eligibility rules, please refer to the statute and the fact sheet entitled Consolidated Manifesting, Hazardous Waste Generator Requirements.

Manifest. Both the generator and the transporter section of the manifest must be completed by the consolidated transporter using the transporter's name, identification number, terminal address,

and telephone number. The driver must sign and date the generator and transporter sections of the manifest. Both sections must be completed before commencing each day's collections. [HSC, Section 25160.2(b)(2)]

When the Manifest is Completed. The total volume or quantity of each wastestream and units of measure transported on the manifest must be entered at the change of each date, change of driver, or change of transport vehicle. [HSC, Section 25160.2(b)(5)]

Submitting Copies. The transporter must submit all copies of the manifest to the designated facility. The transporter must not leave the facility without receiving both the generator and transporter manifest copies signed by a facility representative. [HSC, Section 25160.2(b)(8)]

Receipts. Legible receipts for each quantity of hazardous wastes received from the generator must be attached to the front of the manifest. A copy of the receipt must be left with the generator of the hazardous wastes. Please refer to the statute for information required on the receipt. Current milkrun and modified manifest transporters should carefully review their current receipts. [HSC, Sections 25160.2(b)(3) & (4)]

Treatment Agreement. For certain wastestreams, the transporter must agree in writing to confirm to the generator that the hazardous wastes were transported to an authorized facility for appropriate treatment. (That agreement may be included on the receipt or a separate document.) [HSC, Section 25160.2(c)(2)(C)(i)]

(The treatment requirement does not apply to asbestos, asbestos-containing materials, chemicals and laboratory packs collected from K-12 schools, or any other wastestreams for which DTSC determines there is no reasonably available treatment methodology or facility.)
[HSC, Section 25160.2(c)(2)(C)(ii)]

Reclamation Agreement. In order to transport RCRA hazardous wastes from a generator who generates more than 100 kgs but less than 1,000 kgs per calendar month of RCRA hazardous wastes without a separate manifest, there must be a reclamation agreement between the generator and the reclaimer of the waste,

who must also be the transporter. The following conditions must be met:

1. The type of waste and frequency of shipments are specified in the agreement;
2. The vehicle used to transport the waste to the authorized facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
3. The generator maintains a copy of the reclamation agreement in his or her files for a period of at least three years after termination or expiration of the agreement.

A reclaimer nullifies his or her reclamation agreement with a generator if the hazardous wastes are transferred to another vehicle not owned and operated by the reclaimer. The generator is not allowed to use consolidated manifesting if any of the conditions governing reclamation agreements are not met. [40 CFR, Section 262.20(e)]

- **Transporter Quarterly Reports -TQRs**

Deadline. Consolidated transporters are required to submit quarterly reports (TQRs) beginning October 31, 2002, covering the quarter from July 1 to September 30, 2002, and every three months thereafter. [HSC, Section 25160.2(d)]

Large Transporters. Transporters who use the consolidated manifesting procedure for more than 1,000 tons (2 million pounds) per calendar year are required to report in electronic format. [HSC, Section 25160.2(d)]

Smaller Transporters. Transporters who use the consolidated manifesting procedure for less than 1,000 tons (2 million pounds) per calendar year may submit TQRs in a paper format through October 31, 2003. After this date, consolidated transporters may apply to DTSC to continue submitting reports in a paper format. [HSC, Section 25160.2(d)(1)]

- **Recordkeeping**

Out-of State Facilities. If an out-of-state receiving facility is not required to submit the signed manifest copy to DTSC, the consolidated transporter, acting as the generator, must submit a copy to DTSC of the manifest signed by the authorized facility.
[HSC, Section 25160.2(b)(9)]

Submit Blue Copies. The consolidated transporter is required to submit the blue generator copy of the manifest to DTSC within 30 days of each shipment.
[HSC, Section 25160.2(b)(6)]

Exemption. The blue generator copy of the manifest is not required to be submitted to DTSC if the generator, transporter, and authorized facility are all identified as the same company on the manifest and:

1. All three identification numbers (generator, transporter and authorized facility) used on the hazardous waste manifest are the same.
[HSC, Section 25160 (b)(5)(A)]; or
2. When a company uses multiple identification numbers, all of the company's identification numbers that will be used with the consolidated manifesting procedure are included on the Consolidated Transporter Notification Form.
[HSC, Section 25160(b)(5)(A)]

Three-Year Retention. The consolidated transporter must retain a copy of all manifests and all receipts for each manifest for three years at a location within the State. The retention period is extended automatically during the course of any unresolved enforcement action or if requested by DTSC or a Certified Unified Program Agency (CUPA). [HSC, Section 25160.2(b)(7)]

- **Transporter Variances**

DTSC may grant a transportation variance for wastestreams not listed under the consolidated manifesting procedure if the requirements of HSC, Section 25143 are met. Please refer to the fact sheet entitled Hazardous Waste Transportation Variances for more information.

- **Fees**

Identification Number. DTSC assesses an annual verification fee on hazardous waste handlers, including transporters, that require an identification number issued by DTSC or by the United States Environmental Protection Agency (U.S. EPA) if they have 50 or more employees. For 2001, this fee starts at \$150.
[HSC, Section 25205.16(a)]

Manifest Fees. DTSC assesses a fee of \$7.50 for each manifest used, except for manifests used solely for recycled wastes [HSC, Sections 25205.15(c) and 25205.15(c)(3)(A)]. DTSC may assess a reprocessing fee of \$20 for each improperly completed manifest that is returned to the person who completed the manifest.
(HSC, Section 25160.5)

Questions

For consolidating manifesting or general transporter-related questions, please call the Transportation Unit at (916) 255-2796.

All other questions should be directed to the regional Public and Business Liaison near you by calling (800) 72-TOXIC, or by calling the numbers shown below:

Sacramento Office
(916) 255-3617

Cypress Office
(714) 484-5400

Berkeley Office
(510) 540-3739

Glendale Office
(818) 551-2830

In addition, information is posted on DTSC's website located at <http://www.dtsc.ca.gov>

To obtain a copy of Senate Bill 271 via the web, go to www.leginfo.ca.gov/bilinfo.html or call the Senate Bill Room at (916) 445-2323.

To report any violation of hazardous waste laws, call DTSC's Complaint Hotline at (800) 69-TOXIC.